

Response Under 37 CFR 1.116

Expedited Procedure

Examining Group 1796

Application No. 10/560,190

Paper Dated: May 5, 2010

In Reply to USPTO Correspondence of February 5, 2010

Attorney Docket No. 5946-091709

REMARKS

Claims 1-14, 16-18 and 20 are currently pending in this application. Claims 15 and 19 have been cancelled, without prejudice.

Claim 11 has been amended to incorporate the subject matter of claim 15. Claim 20 has been amended to correct minor matters of form.

Applicant requests entry of the above amendments, as it is believed that these amendments place the claims in condition for allowance.

No new matter has been added to the application by the foregoing amendments.

Applicant is pleased to note that the Examiner has indicated that claims 1-10 are allowed, and that claims 15-18 and 20 would be allowable, as set forth at page 4 of the final Office Action.

Claim 20 has been rejected under 35 U.S.C. §112, second paragraph, for indefiniteness. The reasons for rejection are set forth in the Office Action at pages 2-3 and are incorporated by reference herein. While Applicant respectfully disagrees with the reasons for rejection, claim 20 has been amended as suggested by the Examiner. Accordingly, Applicant requests reconsideration and withdrawal of the rejection.

Claims 11-14 have been rejected under 35 U.S.C. §102(e) as being anticipated by Covezzi et al. (U.S. Patent No. 7,414,098). The final Office Action has reiterated the reasons for rejection from the prior Office Action. The final Office Action notes that, in the recent Amendment, Applicant argues that Covezzi et al. does not suggest or disclose a reactor system for the catalytic polymerization of olefins comprising a fluidized bed and a moving bed such that the residence time in the fluidized bed and the residence time in the moving bed are independently controlled by controlling the in flow of polymeric particles into the moving bed or by controlling the outflow of polymer particles out of the moving bed. The final Office Action maintains that the structural elements of the reactor system recited in claim 11 are in fact disclosed by Covezzi et al., allegedly as pointed out in the prior Office Action. As to the added limitation to "controlling" the inflow or outflow of polymeric particles into or out of the moving bed, respectively, the final Office Action contends that such recitations are directed to an

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intended manner of using the claimed reactor system, which is not germane to the patentability of the apparatus itself, i.e., the recited “controlling” parameters do not expressly or impliedly require any structure in addition to that described in Covezzi et al. The final Office Action contends that the patentees’ apparatus for gas-phase catalytic polymerization of olefins possesses the structural elements of the Applicant’s reactor system as claimed, any difference resides in the manner in which the system is to be used, and the manner in which an apparatus is to be utilized is not germane to the issue of patentability of the apparatus itself.

Applicant respectfully traverses this rejection and request that the rejection be reconsidered and withdrawn.

As reiterated by the Supreme Court in *KSR Int’l Co. v. Teleflex Inc.*, 550 U.S. 398, 82 U.S.P.Q.2d 1385 (2007), the framework for the objective analysis for determining obviousness under 35 U.S.C. §103 is stated in *Graham v. John Deere*. Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in View of the Supreme Court Decision in *KSR International Co. v. Teleflex Inc.*, 72 Fed. Reg., No. 195 (October 10, 2007) at page 57527 (hereinafter “Examination Guidelines”). The factual inquiries enunciated by the Court are as follows:

- (1) Determining the scope and content of the prior art;
- (2) Ascertaining the differences between the claimed invention and the prior art; and
- (3) Resolving the level of ordinary skill in the pertinent art.

Examination Guidelines at page 57527.

Claim 11 has been amended to clarify that, in some non-limiting embodiments, the reactor system comprises a fluidized bed reactor provided with a reactant inlet, a product outlet and means for maintaining a fluidized bed in the fluidized bed reactor and with a moving bed reactor provided with an inlet directly connected to the fluidized bed reactor and an outlet connected to the fluidized bed reactor such that the residence time in the fluidized bed reactor and the residence in the moving bed reactor are independently controlled, wherein the moving bed reactor is provided with means for supplying a separation fluidum.

Covezzi et al. does not disclose providing a moving bed reactor with means for

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supplying a separation fluidum, such as is presently claimed. Accordingly, Applicants respectfully requests reconsideration and withdrawal of the §102(e) rejection of claims 11-14 over the disclosure of Covezzi et al.

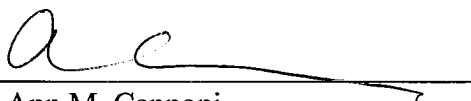
Conclusion

It is believed that any pending objections and rejections have been addressed. However, the absence of a reply to a specific rejection, issue, or comment does not signify agreement with or concession of that rejection, issue, or comment. In addition, because the arguments made above may not be exhaustive, there may be reasons for patentability of any or all pending claims (or other claims) that have not been expressed. Finally, nothing in this paper should be construed as intent to concede any issue with regard to any claim, except as specifically stated in this paper, and the amendment of any claim does not necessarily signify concession of unpatentability of the claim prior to its amendment.

Applicant submits that the pending claims are in condition for allowance, which action is requested. The Examiner is invited to contact the undersigned directly at 412-227-3061 with any questions.

Respectfully submitted,

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